

PROSKAUER ROSE LLP

Sally L. Schneider

1585 Broadway

New York, New York 10036

(212) 969-3803

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES of the MASON TENDERS	:
DISTRICT COUNCIL WELFARE FUND,	:
PENSION FUND, ANNUITY FUND and	:
TRAINING PROGRAM FUND,	:
	07 Civ. 3608 (VM)
	:
and	:
	:
MASON TENDERS DISTRICT COUNCIL OF	:
GREATER NEW YORK, by its Business Manager	:
Robert Bonanza,	:
	Plaintiffs,
	:
- against -	:
	Defendants.
-----	X

**NOTICE OF MOTION FOR
JUDGMENT BY DEFAULT
AGAINST DEFENDANTS METRO
DEMOLITION CONTRACTING
CORP., PHANTOM DEMOLITION
CORP. and VINCENT BORDONE**

SIRS:

PLEASE TAKE NOTICE that upon the Affidavit of Sally L. Schneider, sworn to on April 25, 2008, and the exhibits attached thereto, and the Affidavit of Dominick Giammona, sworn to on April 25, 2008, and the exhibit attached thereto, all of which are submitted herewith, and upon all papers and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Victor Marrero, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York 10007 in Courtroom 20 B, on May 9, 2008 at 10:00 am, or as soon thereafter as counsel can be heard, for entry of a Judgment by Default in favor of plaintiffs, Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training

Program Fund (“Funds”) and Mason Tenders District Council of Greater New York (“Union”), and against defendants Metro Demolition Contracting Corp., Phantom Demolition Corp. and Vincent Bordone, jointly and severally, directing said defendants to permit and cooperate in the conduct of an audit of all the books and records of Metro Demolition Contracting Corp. and Phantom Demolition Corp. for the period January 1, 2005 through the date of entry of judgment; and against defendant Vincent Bordone in the liquidated amount of \$732,631.15; and against defendants Metro Demolition Contracting Corp., Phantom Demolition Corp. and Vincent Bordone, jointly and severally, in the liquidated amount of \$5,743.75 for costs and attorneys’ fees, plus such additional amounts found to be due and owing pursuant to the aforesaid audit; and permitting plaintiffs to amend the judgment to include the additional amounts determined to be due and owing by the aforesaid audit, together with interest, liquidated damages, audit costs, and further costs and attorneys’ fees upon fifteen (15) days written notice to defendants Metro Demolition Contracting Corp., Phantom Demolition Corp. and Vincent Bordone.

Dated: New York, New York
April 25, 2008

PROSKAUER ROSE LLP
Attorneys for Plaintiffs

By: /s/ Sally L. Schneider
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TO: Metro Demolition Contracting Corp.
and Phantom Demolition Corp.
5514 Grand Avenue
Maspeth, New York 11378

Vincent Bordone
30 Whitney Circle
Glen Cove, New York 11542